

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In response to the May 26, 2006 Office Action, independent claims 48, 91 and 92 are amended to recite that the transaction details comprise vendor identification data, including the vendor or a code associated with the vendor, and vendor location data including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out. Support for the limitations added to claims 48, 91 and 92 can be found in originally filed claim 16, *inter alia*. This feature is not shown in, or suggested in the cited references.

In the Office Action claims 48-66 and 72-93 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,868,391 to Hultgren. Claim 94 is rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,201,887 to Burns. Claim 67 is rejected under 35 U.S.C. §103 as being unpatentable over Hultgren in view of U.S. Patent No. 5,408,513 to Busch, Jr., et al. Claims 68-71 are rejected under 35 U.S.C. §103 as being unpatentable over Hultgren in view of Busch, Jr., et al., and further in view of Burns.

In response, independent claims 48, 91 and 92 are amended to more clearly define the present claimed invention over the cited references, claim 94 is canceled, claims 63 and 64 are amended, and claims 95-97 are added and dependent upon claims 82, 91 and 92 respectively.

Claim 48, as amended, is patentable over Hultgren because Hultgren does not disclose sending transaction details to the input output device which includes vendor location data including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out.

Claim 91, as amended, is patentable over Hultgren because Hultgren does not disclose, teach or suggest an input output device receiving transaction details comprising vendor location data, including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out.

Claim 92, as amended, is patentable over Hultgren because Hultgren does not disclose, teach or suggest means for instructing an input output device to request details of the cashless transaction, comprising vendor location data including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out.

Hultgren teaches that a customer dials the directory number of a telepay service node and ...enters a merchant identifier and a transaction amount (see col. 4, lines 54-55 of Hultgren). Although Hultgren discloses that a customer mobile station may send the current GPS location coordinates of the customer mobile station to the telepay service node (see col. 10, lines 1-3), this is not a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out, but a code associated with the position of the user's telecommunications network access instrument. The merchant location coordinates are stored in a merchant database (see col. 10, lines 5-19).

None of the other references of record close the gap between the present claimed invention as defined by independent claims 48, 91 and 92.

Busch, Jr., et al. does not disclose instructing an interface device to forward an access instrument signal to an input output device of a telecommunications network by operation of a

service processing unit. Instead, Busch, Jr., et al. teach that a telephone number associated with a host computer is dialed (see col. 5, lines 62-63 of Busch, Jr., et al.).

Burns does not disclose instructing an interface device to forward an access instrument signal to an input output device of a telecommunications network by operation of a service processing unit. Instead, Burns teaches only that contents of a queuing buffer may be transmitted over telephone lines by depressing either of two dial buttons (see col. 6, lines 53-55 of Burns).

The method as defined by claim 48 differs from the method taught by Hultgren in that Hultgren does not disclose sending transaction details to the input output device which include vendor location data including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out. The telecommunications network as defined by claim 91 differs from that taught by Hultgren, in that Hultgren does not disclose an input output device receiving transaction details comprising vendor location data, including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out. The cashless transaction service as defined by claim 92 differs from that taught by Hultgren in that Hultgren does not disclose means for instructing an input output device to request details of the cashless transaction, comprising vendor location data including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out.

In each case, the effect of this difference is that the method, telecommunications network and cashless transaction service according to the present claimed invention are more efficient at coping with vendors having a large number of branches and/or points of sale, since the

known method would require an extensive merchant database 224 to be able to tie transactions to the locations at which they are carried out.

The present claimed invention achieves this effect by having a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch at which the transaction is to be carried out added to the transaction details at the point where the transaction is carried out. Thus, the service processing unit can tie transactions to any of multiple transaction locations associated with a single vendor.

Hultgren provides no suggestion, motivation or incentive to adapt the method described therein in this sense. Instead, the fact that relatively few transaction details are entered by the customer is presented as an advantage (see col. 4, lines 50-55 of Hultgren: “the customer merely dials the directory number and ...enters a merchant identifier and a transaction amount”). A transaction is tied to a location by means of a GPS location. However, each GPS location must be stored in a separate field of a merchant record in a merchant database (see col. 10, lines 15-19), which field must be constantly updated or added to, as the merchant rearranges POS devices.

A person of ordinary skill in the art at the time the invention was made would not have been motivated to adapt the method, network and transaction services of Hultgren in the sense of the present claimed invention, because Hultgren addresses a different problem. Busch, Jr., et al. addresses the problem of providing a device which does not require a dedicated cellular telephone line or rely exclusively on particular telecommunication technology (see col. 2, lines 14-18 of Busch, Jr., et al.). The distinguishing claimed features of the present claimed invention are not disclosed, taught or suggested by Busch, Jr., et al. either. Busch, Jr., et al. discloses only that a user must input credit card data and transaction data at a credit card terminal (see col. 5, lines 56-57), and that the

data input at the credit card terminal is caused to be transmitted to a credit card terminal interface (see col. 6, lines 1-2). In fact, Busch, Jr., et al. teaches away from the present claimed invention by disclosing a portable credit card terminal interface associated with a defined branch of a vendor.

A person of ordinary skill in the art at the time the present claimed invention was made would not have turned to Burns when seeking to provide the same effect as the present claimed invention, because Burns does not relate to the problem of providing a cashless transaction service that is able to cope with vendors having several branches and/or POS devices. Instead, Burns relates to problems associated with portable telephone dialers that occur when the dialer is carried across area code barriers (see col. 1, lines 63-65 of Burns). There is no disclosure, teaching or suggestion of cashless transaction services to be authorized. Instead there is only a disclosure of placing an order (see col. 6, lines 30-36) which is not a transaction, but at most, part of a transaction. Even if a person of ordinary skill in the art were to turn to Burns, he/she would not find any teaching of transaction details comprising vendor location data, including a code associated with a branch of the vendor and/or a point of sale (POS) device in the branch where the transaction is to be carried out. Instead, the only disclosure is of a portable dialer storing an operator's merchant code and charge account number and of these being transmitted over telephone lines (see col. 6, lines 40-46). However, the merchant code appears to correspond to user identity data as defined in claims 48, 91 and 92, rather than vendor data, since the portable dialer is carried around by the user placing the order, rather than being associated with the merchant. In any case, there is no disclosure, teaching or suggestion of transmitting data including the vendor or a code associated with the vendor and vendor location data. Thus, a person of ordinary skill in the art at the time the invention was made

would have had no solution to the problem of tying transactions to the locations at which they are carried out even where vendors have a large number of branches and/or points of sale.

In view of all of the foregoing, independent claims 48, 91 and 92 are patentable over all of the references of record, when taken either alone under 35 USC 102 or in combination under 35 USC 103.

Claims 49-90 are either directly or indirectly dependent on claim 48 and are patentable over the cited references in view of their dependence on claim 48 and because the references do not disclose, teach or suggest each of the limitations set forth in these dependent claims.

Claim 93 is dependent on claim 92 and is patentable over the cited references in view of its dependence on claim 92 and because the references do not disclose, teach or suggest each of the limitations set forth in claim 93.

Claim 63 is amended in view of the limitations added to claim 48.

Claim 64 is amended to change its dependency from "63" to -- 48 -- in accordance with the amendment of claim 63.

New claims 95-97 are added. New claims 95-97 are ultimately dependent on claims 48, 91 and 92 and are patentable over the cited references in view of their dependence on the independent claims and because the references do not disclose, teach or suggest each of the limitations recited in these new dependent claims.

Allowance of all claims is respectfully requested.

A check in the amount of \$100.00 representing two additional dependent claims is enclosed.

Petition is hereby made for a three-month extension of the period to respond to the outstanding Official Action to November 26, 2006. A check in the amount of \$1,020.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

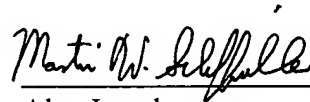
Attorneys for Applicant(s)

489 Fifth Avenue

New York, New York 10017-6105

Tel: (212) 697-3750

Fax: (212) 949-1690

 (Reg. No. 30,421) for Alan Israel
Alan Israel
Reg. No. 27,564